

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SOPEE KHEN,

Petitioner,

No. CIV S-04-2150 MCE KJM P

vs.

WARDEN OF HIGH DESERT
STATE PRISON,

Respondents.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner has paid the filing fee.

Because petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondents will be directed to file a response to petitioner's application.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Respondents are directed to file a response to the petition within sixty days from the date of this order. See Rule 4, Rules Governing Section 2254 Cases. Respondents shall include with the answer any and all transcripts or other documents relevant to the determination of the issues presented in the application. Rule 5, Rules Governing Section 2254 Cases;

2. If the response is an answer, petitioner's reply, if any, is due on or before thirty days from the date respondents' answer is filed;

4. If the response to petitioner's habeas petition is a motion, petitioner's opposition or statement of non-opposition to the motion shall be filed and served within thirty days of service after service of the motion, and respondents' reply, if any, shall be filed and served within fifteen days thereafter;

5. The Clerk of the Court shall serve a copy of this order together with a copy of petitioner's application for writ of habeas corpus on Jo Graves, Senior Assistant Attorney General.

DATED: May 16, 2005.


UNITED STATES MAGISTRATE JUDGE